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STATE OF CONNECTICUT
BOARD OF VETERINARY REGISTRATION
AND EXAMINATION

IN RE: TARA CHAND NANAVATI, D.V.M.

MEMORANDUM OF DECISION

The Board of Veterinary Registration was presented by the Department of Health Services with a Statement of Charges dated December 7, 1983. The Statement of Charges alleged violations of §20-202 of the Connecticut General Statutes. The Notice of Hearing provided that the hearing would take place on January 4, 1984 at 11:00 A.M. in the Department of Health Services at 150 Washington Street, Hartford, Connecticut. The hearing continued on various days and concluded on June 7, 1984.

Each member of the Board of Veterinary Registration and Examination involved in this decision attests that he has reviewed the record of the proceedings and that this decision is based entirely on the record.

RE
LEPARD

NOV 28, 1984

HEARINGS & APPEALS
DIVISION OF MEDICAL
QUALITY ASSURANCE

FACTS

1. Tara Chand Nanavati, D.V.M., at all pertinent times was licensed to practice veterinary medicine by the State of Connecticut, Department of Health Services.
2. Pursuant to §4-182(c), Conn. Gen. Stat., the respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license.
3. On or about March 26, 1982 Kathy Valenti brought her dog to Dr. Nanavati for spay surgery.
4. Dr. Nanavati operated on Ms. Valenti's dog the following morning. He used a nonsterile drape and operated without assistance using a syringe of anesthetic strapped to the dog's leg.
5. Ms. Valenti's dog was picked up from Dr. Nanavati's office and taken home that afternoon (on or about March 27, 1982). The dog was listless, and its eyes were cloudy. The next day (on or about March 28, 1982) the dog began to vomit and its incision opened.
6. On or about the evening of March 28, 1982 (the day following the operation) Ms. Valenti brought the dog to the Orange Veterinarian Clinic. The dog had a temperature of 103° and the linea alba and abdominal fat were infected. The subsequent treating veterinarians diagnosed the dog as having peritonitis.

7. On or about July 15, 1982 Donna Falcioni brought her dog to Dr. Nanavati for spay surgery.
8. Ms. Falcioni's dog was in heat and underweight.
9. Dr. Nanavati operated on Ms. Falcioni's dog the following day using his normal procedure--i.e., with a nonsterile drape and without assistance.
10. On or about August 6, 1982 and again a few days later Robert Comeau and his wife brought in their dog to Dr. Nanavati for what they believed to be a worm problem.
11. Dr. Nanavati treated the Comeau's dog from on or about August 6, 1982 until on or about August 9, 1982.
12. On or about October 11, 1982 Barbara Dube had her dog taken to Dr. Nanavati for treatment of a painful right foreleg.
13. The next day and for the following several weeks Dr. Nanavati treated Barbara Dube's dog by the use of a splint on the leg.
14. Dr. Nanavati did not himself take x-rays of the dog's leg and did not, for the first weeks of treatment, have the dog sent to another veterinarian to have x-rays taken.
15. Dr. Nanavati's medical record of his treatment of Barbara Dube's dog fails to indicate that the owner refused to have x-rays of the dog taken.

16. Cynthia Anderson, who worked for Dr. Nanavati as office manager, testified to unsanitary conditions at Dr. Nanavati's clinic from May 31, 1982 to February 23, 1983. Other witnesses called by Dr. Nanavati testified that the clinic was clean during this period.
17. Dr. Michael Lender testified to unsanitary conditions at Dr. Nanavati's clinic on or about February 14-23, 1983. Dr. Nanavati was on vacation in India during this time, and there were no animals on the clinic premises.

DISCUSSION AND CONCLUSIONS

FIRST COUNT

18. Conn. Gen. Stat. §20-202 provides in pertinent part that:
- . . . [the Board of Veterinary Registration and Examination] may take any of the actions set forth in section 19a-17 for any of the following causes: (2) proof that the holder of such license or certificate . . . been guilty of . . . unskillfulness or gross negligence towards animals
(Emphasis added.)
19. Based on Dr. Nanavati's own testimony of his surgical procedure on this and other occasions, it is clear to the Board that his entire surgical procedure is totally inadequate. The use of a nonsterile drape during surgery necessitates Dr. Nanavati working in a nonsterile

environment which could cause the introduction of infective agents during surgery. This unnecessary risk of infection is heightened by Dr. Nanavati's practice of strapping a syringe of anesthesia to the animal's leg while operating without assistance. This practice increases the possibility of contamination if a need should arise for more anesthesia, and Dr. Nanavati's hands have to move back and forth from the surgical area to the clearly nonsterile area where the syringe has been placed.

20. The condition of Ms. Valenti's dog following the operation (fever, vomiting, wound dehiscence) and the observations and diagnosis of the subsequent treating veterinarians indicate to the Board that the dog had peritonitis. The existence of an infection in the peritoneal area a day after the surgery in conjunction with the surgical procedure used in this case clearly indicate that Dr. Nanavati was guilty of unskillfulness in this case.

SECOND COUNT

21. Dr. Nanavati was guilty of unskillfulness and gross negligence in the treatment and operation of Donna Falcioni's dog. Dr. Nanavati admitted that this animal

was a high risk case yet he failed to evaluate the degree of risk in a way that would allow him to determine whether he should proceed with the operation. In addition, Dr. Nanavati did not take any of the necessary precautions for high risk cases before, during and after the operation. Further, as explained in the discussion of the last count, Dr. Nanavati's normal surgical procedure is inadequate for normal cases and certainly poses a danger to a high risk case.

THIRD COUNT

22. Although the Board questions the adequacy of the examination given to Robert Comeau's dog, it finds that there was no unskillfulness or gross negligence in this case. It is quite possible that given the passage of time between Dr. Nanavati's examination of the dog and the subsequent examination by Dr. Michael Wyand, D.V.M, that there would have been no indication of maggots at the first examination and that they proliferated in a short time.

FOURTH COUNT

23. Dr. Nanavati was unskillful in his treatment of the dog belonging to Barbara Dube. Since, after several

days of treatment, the dog showed no improvement. Dr. Nanavati should have sent the dog to another facility to have x-rays taken. There was no indication, as there should have been had this transaction ever taken place, in the medical records kept by Dr. Nanavati that he had ever recommended to the owner that x-rays of the dog be taken and that this course of treatment had been refused.

FIFTH COUNT

24. Conn. Gen. Stat. §20-202 provides in pertinent part that:

. . . [the Board] may take any of the actions set forth in section 19a-17 for any of the following causes:

(1) failure to keep veterinary premises and equipment in a clean and sanitary condition. (Emphasis added.)

25. The Board finds that the evidence is inconclusive on this count. There was conflicting evidence as to the sanitary conditions at Dr. Nanavati's clinic. Also, the observations made by Dr. Lender were at a time when the clinic was not open or housing any animals and this would act as a mitigating factor.

ORDER

Pursuant to its authority under Conn. Gen. Stat. §20-202 and §19a-17, the Board of Veterinary Registration and Examination hereby orders the following:

- (1) That Dr. Tara Chand Nanavati's license to practice veterinary medicine be suspended for a period of thirty days, said period to commence at 9:00 A.M., December 1, 1984 and ending at 9:00 A.M., January 1, 1985.
- (2) (a) That Dr. Tara Chand Nanavati is placed on probationary status for a period of one year beginning at 9:00 A.M., December 1, 1984 and ending at 9:00 A.M., December 1, 1985.
- (b) That within sixty days of the commencement of the probationary period Dr. Tara Chand Nanavati develop a plan of professional education which must be approved by the Board before it goes into effect. This plan must provide for two, eight-hour days of education a week which will continue for a period of six months. The setting for the

plan may be a nonprofit institution,
a university or an approved veteri-
nary practice.

- (3) That failure on the part of Dr. Tara Chand Nanavati to comply with the conditions of his probation will result in further disciplinary action.

BOARD OF VETERINARY REGISTRATION
AND EXAMINATION

Date:

Nov. 9, 1984

By:

David Bender, D.V.M.